

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO. 05-101 ERIE
)	
NORFOLK SOUTHERN CORPORATION)	
and NORFOLK SOUTHERN RAILWAY)	
COMPANY, INC.,)	
Defendants)	ELECTRONICALLY FILED

**APPENDIX TO MOTION FOR SUMMARY JUDGMENT ON BEHALF
OF DEFENDANTS NORFOLK SOUTHERN CORPORATION
AND NORFOLK SOUTHERN RAILWAY COMPANY, INC.**

Defendants NORFOLK SOUTHERN CORPORATION and NORFOLK SOUTHERN RAILWAY COMPANY, INC., by their attorneys, MacDonald, Illig, Jones & Britton LLP, file this Appendix to Motion for Summary Judgment on Behalf of Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc., pursuant to Rule 56(c) of the Federal Rules of Civil Procedure and LR 56.1.B.3 of the Local Civil Rules of the United States District Court for the Western District of Pennsylvania.

I hereby certify that this Appendix contains true and correct copies of the following pretrial discovery materials with respect to this case:

I. Deposition Transcripts

- Tab A - Excerpts of Deposition of James F. Baskin (1/16/07)
- Tab B - Excerpts of Deposition of Steve W. Frye (6/2/06)
- Tab C - Excerpts of Deposition of Robert B. Glenn (5/23/06)
- Tab D - Excerpts of Deposition of David C. Morgan (5/23/06)
- Tab E - Excerpts of Deposition of Ervin L. Nixon (1/18/07)
- Tab F - Excerpts of Deposition of Robin I. Nixon (3/24/06)
- Tab G - Excerpts of Deposition of M. Eugene Pandlis (1/12/07)
- Tab H - Excerpts of Deposition of Timothy J. Price (5/23/06)

II. Deposition Exhibits

- Tab I - Glenn Deposition Exhibit Nos. 1 (excerpt), 3 (5/30/06)
- Tab J - Price Deposition Exhibit No. 1 (5/30/06)

III. Answers and Objections to Interrogatories Directed to Defendants
Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc.

- Tab K - Answer Nos. 2, 3, 4, 5, 8, 9, 15 and 16

IV. Documents Produced by Defendants Norfolk Southern
Corporation and Norfolk Southern Railway Company, Inc.

- Tab L - Train Consist - NS Train Y47-L2-26 (4/27/97)
- Tab M - Statement of Equipment Inspection - NS Train Y47-L2-26 (4/27/97)
- Tab N - Certificate of Merger - Norfolk and Western Railway Company into Norfolk Southern Railway Company and related Articles of Merger (9/1/98)

Respectfully submitted,

s/ Roger H. Taft

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2007, the foregoing Appendix to Motion for Summary Judgment on Behalf of Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc., was filed electronically with the Clerk of Court using the Electronic Case Filing system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

s/ Roger H. Taft
Roger H. Taft, Esq.